

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION et al.,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,
SYNGENTA CORPORATION,
SYNGENTA CROP PROTECTION, LLC

and

CORTEVA, INC.,

Defendants.

CASE NO. 1:22-CV-828-TDS-JEP

**JOINT CONSENT MOTION TO EXTEND THE WORD LIMIT FOR THE
MEMORANDA OF LAW IN SUPPORT OF DEFENDANTS' MOTIONS
TO DISMISS AND PLAINTIFFS' RESPONSES IN OPPOSITION**

Defendants Syngenta Crop Protection AG, Syngenta Corporation and Syngenta Crop Protection, LLC (together, "Syngenta") and Corteva, Inc. ("Corteva") (collectively, "Defendants"), and Plaintiffs Federal Trade Commission and the states of California, Colorado, Illinois, Indiana, Iowa, Minnesota, Nebraska, Oregon, Tennessee, Texas, Washington and Wisconsin (collectively, "Plaintiffs") (together with Defendants, "the Moving Parties"), by and through their undersigned attorneys and pursuant to Local Rule 7.3(d)(l) and this Court's inherent authority, respectfully and jointly request leave for

Defendants to file Memoranda in Support of their Motions to Dismiss that exceed the 6,250-word limit of Local Rule 7.3(d)(1), up to a proposed limit of 8,000 words for each memorandum (constituting one memorandum for Corteva and one combined memorandum for the three Syngenta entities) and for Plaintiffs to file one or more Memoranda in Opposition to Defendants' Motions to Dismiss not to exceed 16,000 words in total. In support of this Motion, the Moving Parties state as follows:

1. On December 23, 2022, Plaintiffs filed an Amended Complaint in this action. (ECF No. 79.)

2. The Amended Complaint is 108 pages long and includes 276 numbered paragraphs.

3. Plaintiffs assert 16 separate causes of action, including claims under Sections 1 and 2 of the Sherman Act, Section 3 of the Clayton Act, Section 5 of the FTC Act and numerous state antitrust and consumer protection laws of twelve states.

4. Defendants intend to move to dismiss the Amended Complaint for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). Syngenta intends to file a single Motion to Dismiss for all three Syngenta entities.

5. Defendants sought Plaintiffs' position on their requested extension of the word limit. Plaintiffs consented, on the condition that Plaintiffs collectively be allowed to file one or more omnibus responses in opposition to Defendants' motions, not to exceed 16,000 words total.

6. The circumstances here render a word-limit increase appropriate, for both Defendants and Plaintiffs. Defendants' Motions to Dismiss the Amended Complaint will argue that there are several grounds for dismissal. While making an effort to be concise, clearly organizing and explicating those grounds for the Court's consideration of the Motions to Dismiss requires Defendants to exceed the 6,250-word limit. Likewise, responding in full to the arguments raised in Defendants' motions requires Plaintiffs to develop their analysis in more depth.

7. Defendants seek an extension of the word limit for each of their Motions to Dismiss to 8,000 words, counting those parts of the Memoranda directed to be included by Local Rule 7.3(d)(1). Plaintiffs seek a corresponding extension of the word limit to a total of 16,000 words for one or more omnibus briefs responding to Defendants' Motions to Dismiss, counting those parts of the Memoranda directed to be included by Local Rule 7.3(d)(1).

8. A proposed Order is submitted herewith.

Date: January 13, 2023

FOX ROTHSCHILD LLP

/s/ Patrick M. Kane

Patrick M. Kane (Bar No. 36861)
pkane@foxrothschild.com
230 N. Elm Street, Suite 1200
PO Box 21927 (27420)
Greensboro, NC 27401
Telephone: (336) 378-5200
Facsimile: (336) 378-5400

Paul S. Mishkin*
paul.mishkin@davispolk.com
DAVIS POLK & WARDWELL
LLP
450 Lexington Avenue
New York, NY 10017
Telephone: (212) 450-4292
Facsimile: (212) 701-5292

*Specially appearing under L.R.
83.1(d)

*Attorneys for Defendants Syngenta
Crop Protection AG, Syngenta
Corporation, and Syngenta Crop
Protection, LLC*

MCGUIREWOODS LLP

/s/ Mark E. Anderson

Mark E. Anderson (Bar No.
15764)
manderson@mcguirewoods.com
501 Fayetteville Street, Suite 500
Raleigh, North Carolina 27601
Telephone: (919) 755-6600
Facsimile: (919) 755-6699

David R. Marriott*
dmarriott@cravath.com
Margaret T. Segall*
msegall@cravath.com
CRAVATH, SWAINE & MOORE
LLP
825 Eighth Avenue
New York, New York 10019
Telephone: (212) 474-1000
Facsimile: (212) 474-3700

*Specially appearing under L.R.
83.1(d)

*Attorneys for Defendant Corteva,
Inc.*

/s/ James H. Weingarten
JAMES H. WEINGARTEN (DC Bar
No. 985070)
Deputy Chief Trial Counsel
Federal Trade Commission
Bureau of Competition
600 Pennsylvania Avenue, NW
Washington, DC 20580
Telephone: (202) 326-3570
Email: jweingarten@ftc.gov

GEOFFREY M. GREEN
Assistant Director

MARK J. WOODWARD
Deputy Assistant Director

MICHAEL J. TURNER
JOSEPH R. BAKER
ERIC BROOKS
WESLEY G. CARSON
RACHEL S. FRANK
ELIZABETH A. GILLEN
PHILIP J. KEHL
LAUREN B. PATTERSON
EDWARD H. TAKASHIMA
Attorneys

Bureau of Competition

*Attorneys for Plaintiff Federal Trade
Commission*

ROB BONTA
Attorney General

KATHLEEN E. FOOTE
Senior Assistant Attorney General

PAULA L. BLIZZARD
Supervising Deputy Attorney General

/s/ Nicole S. Gordon
NICOLE S. GORDON
California Office of the Attorney
General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94610
Telephone: (415) 510-4400
Email: nicole.gordon@doj.ca.gov

*Attorneys for Plaintiff State of
California*

KWAME RAOUL
Attorney General

/s/ Paul J. Harper
PAUL J. HARPER
Assistant Attorney General, Antitrust
Office of the Illinois Attorney General
100 W. Randolph Street
Chicago, IL 60601
Telephone: (312) 814-3000
Email: paul.harper@ilag.gov

Attorneys for Plaintiff State of Illinois

PHILIP J. WEISER
Attorney General

/s/ Carla J. Baumel
JAN M. ZAVISLAN
Senior Counsel
CARLA J. BAUMEL
CONOR J. MAY
Assistant Attorneys General
Colorado Department of Law
Office of the Attorney General
Ralph L. Carr Judicial Center
1300 Broadway, 7th Floor
Denver, CO 80203
Telephone: (720) 508-6000
Email: Jan.Zavislan@coag.gov
Carla.Baumel@coag.gov
Conor.May@coag.gov

Attorneys for Plaintiff State of Colorado

THEODORE E. ROKITA
Attorney General

/s/ Matthew Michaloski
MATTHEW MICHALOSKI
Deputy Attorney General
SCOTT BARNHART
Chief Counsel and Director of Consumer
Protection
Office of the Indiana Attorney General
Indiana Government Center South – 5th
Fl.
302 W. Washington Street
Indianapolis, IN 46204-2770
Telephone: (317) 234-1479
Email: matthew.michaloski@atg.in.gov
scott.barnhart@atg.in.gov

Attorneys for Plaintiff State of Indiana

TOM MILLER
Attorney General

/s/ Noah Goerlitz
NOAH GOERLITZ
BRYCE PASHLER
Assistant Attorneys General
Office of the Iowa Attorney General
1305 E. Walnut St.
Des Moines, IA 50319
Telephone: (515) 725-1018
Email: noah.goerlitz@ag.iowa.gov
bryce.pashler@ag.iowa.gov

Attorneys for Plaintiff State of Iowa

DOUGLAS J. PETERSON
Attorney General

/s/ Joseph M. Conrad
JOSEPH M. CONRAD
COLIN P. SNIDER
Office of the Attorney General of
Nebraska
2115 State Capitol Building
Lincoln, NE 68509
Telephone: (402) 471-3840
Email: Joseph.Conrad@nebraska.gov
Colin.Snider@nebraska.gov

*Attorneys for Plaintiff State of
Nebraska*

KEITH ELLISON
Attorney General

JAMES W. CANADAY
Deputy Attorney General

/s/ Katherine Moerke
KATHERINE MOERKE
JASON PLEGGENKUHLE
ELIZABETH ODETTE
Assistant Attorneys General
Office of the Minnesota Attorney General
445 Minnesota Street, Suite 1200
St. Paul, MN 55101-2130
Telephone: (651) 296-3353
Email: james.canaday@ag.state.mn.us
katherine.moerke@ag.state.mn.us
jason.pleggenkuhle@ag.state.mn.us
s
elizabeth.odette@ag.state.mn.us

Attorneys for Plaintiff State of Minnesota

ELLEN F. ROSENBLUM
Attorney General

/s/ Timothy D. Smith
TIMOTHY D. SMITH
Senior Assistant Attorney General
Antitrust and False Claims Unit
Oregon Department of Justice
100 SW Market St
Portland, OR 97201
Telephone: (503) 934-4400
Email: tim.smith@doj.state.or.us

Attorneys for Plaintiff State of Oregon

JONATHAN SKRMETTI
Attorney General

/s/ Hamilton Millwee
HAMILTON MILLWEE
Assistant Attorney General
TATE BALL
Assistant Attorney General
Office of the Attorney General of
Tennessee
P.O. Box 20207
Nashville, TN 37202
Telephone: (615) 291-5922
Email: Hamilton.Millwee@ag.tn.gov
Tate.Ball@ag.tn.gov

*Attorneys for Plaintiff State of
Tennessee
Notice of Special Appearance
forthcoming*

ROBERT W. FERGUSON
Attorney General

/s/ Luminita Nodit
LUMINITA NODIT
Lumi.Nodit@atg.wa.gov
Assistant Attorney General,
Antitrust Division
Washington State Office
of the Attorney General
800 Fifth Ave., Suite 2000
Seattle, WA 98104
Tel: (206) 254-0568

*Attorneys for Plaintiff State
of Washington*

KEN PAXTON
Attorney General

/s/ Margaret Sharp
BRENT WEBSTER
First Assistant Attorney General
GRANT DORFMAN
Deputy First Assistant Attorney General
SHAWN E. COWLES
Deputy Attorney General for Civil
Litigation
JAMES LLOYD
Chief, Antitrust Division
TREVOR YOUNG
Deputy Chief, Antitrust Division
MARGARET SHARP
WILLIAM SHIEBER
Assistant Attorneys General
Office of the Attorney General, State of
Texas
300 West 15th Street
Austin, TX 78701
Telephone: (512) 936-1674
Email: Margaret.Sharp@oag.texas.gov

Attorneys for Plaintiff State of Texas

JOSHUA L. KAUL
Attorney General

/s/ Laura E. McFarlane
LAURA E. MCFARLANE
Assistant Attorney General
Wisconsin Department of Justice
Post Office Box 7857
Madison, WI 53707-7857
Telephone: (608) 266-8911
Email: mcfarlanele@doj.state.wi.us

Attorneys for Plaintiff State of Wisconsin